

REMARKS

Claims 1 - 7 have been rejected as being anticipated by or obvious over Rodgers US Patent 5,648,041. Claims 1-5 are rejected as anticipated by or obvious over Profe US Patent 5,599,488. Claims 6 and 7 are rejected as being obvious over a combination of Rodgers and Profe.

As noted in the introduction to the present specification, often, the fiber filaments are fairly brittle when they are formed. As a result, the filaments may break in various places as they land on the moving screen or bed. However, it is preferred to have the filaments maintain their integrity, in part because broken filaments provide less structural support when applied, and because broken filaments produce discontinuities in the batt that prevent the batt from being a continuous random collection of filaments, having equal strength and other properties throughout.

Also, multiple continuous fibers may be produced in a line so as to form a curtain, and then laid down on a belt to form a batt. Other layers may then be produced downstream of the first layer to produce an even thicker batt. In some production processes, the batt after being formed is introduced into a furnace in which it is dried. Production of a uniform batt having low bulk density is preferred in such an operation because such a batt allows for relatively quick and even drying.

In order to address such problems, steps (e) and (f) of the present claims require a slowing of the velocity of the fibers produced prior to their collection. Neither Rodgers nor Profe makes any mention of such slowing of the fibers.

As noted in MPEP 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987),

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

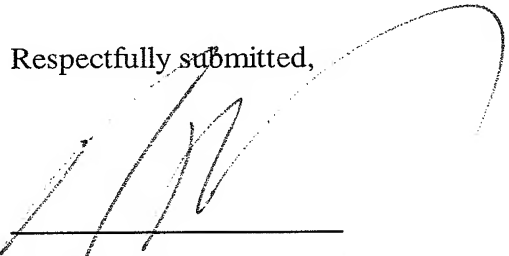
It is submitted that this is not the case here for the reason noted above. The examiner states

that such slowing is inherent in the devices of Rodgers and Profile. In order for an examiner to rely on something as being inherently disclosed, it is necessary that to show that what is claimed is "the natural result flowing" from what is taught in the prior art. A mere probability or possibility does not suffice. **In re Oelrich** 666 F2d 578, 12 USPQ 323 (CCPA 1981). It is submitted that simply comparing the shapes of parts of the present apparatus with the shape of parts of the apparatus of the prior art does not show that fibers were inevitably slowed, particularly since the fibers are being accelerated by gravity as they fall through the relevant zones.

Nor, it is submitted go these references make the claimed invention obvious. Nothing in either Rodgers or Profile addresses the problems addressed by the present invention. Rodgers is concerned with avoiding the entanglement of fibers. Profile is concerned with establishing very high and uniform drawing conditions for each filament produced. These are not the problems confronting the present inventors and there is therefore no reason why one skilled in the art would have looked to the teachings of either of these references to solve the applicant's problems.

Since claim 1 is neither anticipated nor obvious, it follows that the claims dependent thereon are also neither anticipated nor obvious.

Respectfully submitted,



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